

**DOCKET NO. D-1968-053-2**

**DELAWARE RIVER BASIN COMMISSION**

**Sunoco Partners Marketing & Terminals L.P. – Eagle Point Tank Farm  
Eagle Point Facility  
Industrial Wastewater Treatment Plant  
West Deptford Township, Gloucester County, New Jersey**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Sunoco Partners Marketing & Terminals L.P. – Eagle Point Tank Farm (Sunoco Logistics or docket holder) on April 23, 2012 (Application), for the renewal of an existing industrial wastewater treatment plant (IWTP) discharge. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit No. NJ0005401 for this project was approved by the New Jersey Department of Environmental Protection (NJDEP) on July 12, 2012 and modified on September 24, 2012 (effective October 1, 2012).

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Gloucester County Planning Board has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on December 5, 2012.

**A. DESCRIPTION**

**1. Purpose.** The purpose of this docket is to renew approval of the existing 5.0 million gallons per day (mgd) Eagle Point IWTP and its related discharge. Additionally, this docket approves the discharge of steam condensate and non-contact cooling water (NCCW) to the Delaware River via Outfalls Nos. DSN003A and DSN004A.

**2. Location.** The IWTP will continue to discharge treated effluent, steam condensate, and NCCW to Water Quality Zone 4 of the Delaware River at or near River Mile 94.5 via Outfalls Nos. DSN001A, DSN003A, and DSN004A, in West Deptford Township, Gloucester County, New Jersey as follows:

<b>OUTFALL NO.</b>	<b>LATITUDE (N)</b>	<b>LONGITUDE (W)</b>
DSN001A	39° 52' 36.4"	75° 09' 52.5"
DSN003A	39° 52' 36.4"	75° 09' 4.9"
DSN004A	39° 52' 35.5"	75° 09' 26.9"

3. **Area Served.** The docket holder's IWTP and other related outfalls will continue to serve the Eagle Point Facility in West Deptford Township, Gloucester County, New Jersey. For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. **Physical Features.**

a. **Design Criteria.** The docket holder's IWTP is designed to treat up to 5.0 mgd of industrial wastewater. Remediation water from on-site wells as well as industrial cooling and process water from the on-site Eagle Point Cogeneration Facility (EPCF) are treated at and discharged from the IWTP.

b. **Facilities.** The IWTP consists of an API Separator, two (2) aeration basins, two (2) clarifiers, three (3) sand filters, an API Separator sludge thickener, and ultraviolet (UV) disinfection.

The Eagle Point Facility is located along the tidal Delaware River and the IWTP is located outside the 100-year flood zone.

Wasted sludge will continue to be hauled off-site by a licensed hauler for disposal at a (State-approved) facility.

c. **Water withdrawals.** The potable water supply in the project service area is supplied by the docket holder.

Potable and remediation water is supplied primarily by four (4) on-site wells. The docket holder also operates numerous shallow sumps and groundwater recovery trenches for remediation purposes. These renewed well approvals as well as the continued operation of Intake No. DOCK 1-A are also being heard at the December 5, 2012 Hearing under Docket No. D-1986-015-4.

Additionally, Eagle Point Power Generation, LLC (EPP), a subsidiary of Rockland Capital, will operate Intake No. DK-3, which was previously part of the docket holder's withdrawal system. EPP has purchased the EPCF from the docket holder and inclusion of the EPCF into the Comprehensive Plan and approval of Intake No. DK-3 for operation by EPP is also being heard at the December 5, 2012 Hearing under Docket No. D-2012-010 CP-1.

d. **NJPDES Permit / DRBC Docket.** NJPDES Permit No. NJ0005401 was approved by the NJDEP on July 12, 2012 (modified September 24, 2012) and includes final effluent limitations for the project discharge of 5.0 mgd to surface waters classified by the NJDEP as Water Quality Zone 4. The following average monthly effluent limits are among those listed in the NJPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

**EFFLUENT TABLE A-1: DRBC Parameters Included in NJPDES Permit**

<b>OUTFALL DSN001A (IWTP)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
pH (Standard Units)	6 to 9 at all times	As required by NJPDES Permit
Total Suspended Solids	30 mg/l	As required by NJPDES Permit
Ammonia Nitrogen	35 mg/l	As required by NJPDES Permit
BOD (5-Day at 20° C)	25 mg/l 89.25% minimum removal	As required by NJPDES Permit
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	As required by NJPDES Permit
Acute Toxicity	50% Effluent	As required by NJPDES Permit
Chronic Toxicity	Monitor & Report	As required by NJPDES Permit
Total Dissolved Solids*	Monitor & Report **	As required by NJPDES Permit

\* DRBC Requirement

\*\* See DECISION Condition II.q.

**EFFLUENT TABLE A-2: DRBC Parameters Not Included in NJPDES Permit**

<b>OUTFALL DSN001A (IWTP)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
CBOD <sub>20</sub> *	692 lbs/day *	Variable **

\* DRBC Requirement

\*\* See DECISION Condition II.s.

**EFFLUENT TABLE A-3: DRBC Parameters Included in NJPDES Permit**

<b>OUTFALLS DSN003A &amp; DSN004A (Steam Condensate and NCCW)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
pH (Standard Units)	6 to 9 at all times	As required by NJPDES Permit
Total Suspended Solids	Monitor & Report	As required by NJPDES Permit
Temperature	Monitor & Report	As required by NJPDES Permit

\* DRBC Requirement

**EFFLUENT TABLE A-4: DRBC Parameters Not Included in NJPDES Permit**

<b>OUTFALLS DSN003A &amp; DSN004A (Steam Condensate and NCCW)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
Total Dissolved Solids*	Monitor & Report *	Same as TSS freq **
BOD (5-Day at 20° C)	Monitor & Report *	Monthly *
Ammonia Nitrogen	Monitor & Report *	Monthly *

\* DRBC Requirement

\*\* See DECISION Condition II.q.

Additionally, Outfall No. DSN017A discharges stormwater to the Delaware River from the project site.

- e. **Cost.** There are no construction costs associated with this renewal.

## **B. FINDINGS**

The purpose of this docket is to renew approval of the existing 5.0 mgd Eagle Point IWTP and its related discharge to the Delaware River via Outfall No. DSN001A. Additionally, this docket approves the discharge of steam condensate and NCCW to the Delaware River via Outfalls Nos. DSN003A and DSN004A.

Coastal Eagle Point Oil Company sold the Eagle Point Facility to Sunoco, Inc. R&M (Sunoco) on December 22, 2003. Sunoco sold the Eagle Point Facility to Sunoco Logistics on July 1, 2011. Sunoco Logistics sold the EPCF to EPP on April 2, 2012. However, Sunoco Logistics continues to operate the IWTP and retains ownership of the rest of the Eagle Point Facility other than the cogeneration facility and its related intake. The processing of crude oil has ceased at the site and dismantling of the processing equipment at the facility began in November 2009.

### **CBOD<sub>20</sub> Wasteload Allocation**

The Commission's *Water Quality Regulations (WQR)* provide for the allocation of the stream assimilative capacity where waste discharges would otherwise result in exceeding such capacity. It was determined in the late 1960's that discharges to the Delaware Estuary be limited to a total of 322,000 lbs/day of carbonaceous biochemical (first stage) oxygen demand (CBOD<sub>20</sub>). In accordance with the Regulations, the assimilative capacity of each Delaware Estuary zone minus a reserve was originally allocated in 1968 among the individual dischargers based upon the concept of uniform reduction of raw waste in a zone (Zones 2, 3, 4 and 5). The totals and percent reduction for each zone are given in Table 1 of the Commission's *Status of CBOD<sub>20</sub> Wasteload Allocations* (Revised October 1, 2000). The docket holder's WWTP discharges to Water Quality Zone 4 of the Delaware River at River Mile 94.5 (Delaware River). Water Quality Zone 4 currently has a reserve capacity of 22,817 lbs/day of CBOD<sub>20</sub>.

### **CBOD<sub>20</sub> Allocation History**

A letter from the Executive Director on September 5, 1969 approved an allocation of 692 lbs/day of CBOD<sub>20</sub> for the Eagle Point IWTP which at that time was owned by Texaco, Inc.

A letter from the Executive Director on December 20, 1985 transferred the allocation of 692 lbs/day of CBOD<sub>20</sub> to Coastal Eagle Point Oil Company.

### **CBOD<sub>20</sub> Determination**

On July 14, 2010 the Commission adopted Resolution No. 2010-5 authorizing and directing the Executive Director to require point source dischargers to the Delaware Estuary to perform nutrient monitoring of their discharges at their own cost and expense for a period of up to 24 months. On August 19, 2011 the Commission's Modeling Monitoring and Assessment (MMA) Branch sent a letter to the docket holder requiring the 24 month sampling for their facility begin. The Commission's MMA Branch received confirmation that the first set of samples for this suite of nutrient parameters started in October 2011 and therefore is expected to

finish in September 2013. BOD<sub>5</sub> and CBOD<sub>20</sub> were two of the parameters whose data was requested as a result of this nutrient monitoring. As such, the docket holder is required to monitor BOD<sub>5</sub> and CBOD<sub>20</sub> concurrently on a monthly period through September 2013.

After September 2013, the docket holder will only be required to monitor for CBOD<sub>20</sub> on a quarterly basis. The sample should be taken concurrently with the BOD<sub>5</sub> sample. Should a BOD<sub>5</sub> to CBOD<sub>20</sub> ratio be established as a result of the nutrient monitoring program approved by Resolution No. 2010-5, the docket holder may request the removal of this monitoring entirely via letter to the Executive Director (See DECISION Condition II.s.). Until the Executive Director has approved the elimination of the sampling, samples should continue as required.

This docket shall continue approval for an allocation of 692 lbs/day of CBOD<sub>20</sub>.

### **Toxicity**

Zone 4 stream quality objectives exist for toxic pollutants. They include criteria to protect the taste and odor of ingested water and fish [Table 4 of DRBC's *WQR*], to protect aquatic life (Table 5), and to protect human health (Tables 6 & 7). Toxicity in effluent is measured as Whole Effluent Toxicity (WET), and results from both acute and chronic exposures. The acute toxicity stream quality objective for Zone 4 is 0.3 Toxic Units (TU<sub>a</sub> = 0.3). The chronic toxicity stream quality objective for Zone 4 is 1.0 Toxic Units (TU<sub>c</sub> = 1.0).

### **Acute Toxicity**

The docket holder is required to perform Whole Effluent Toxicity (WET) tests to generate acute toxicity data on the fathead minnow (*Pimephales promelas*) as part of their existing NJPDES Permit. Samples shall be taken concurrently with chronic samples to develop a correlation. Results shall be submitted to the Commission annually with the report required in DECISION Condition II.d. of this docket.

### **Chronic Toxicity**

The docket holder is required to perform semi-annual WET tests to generate chronic toxicity data on the cladoceran (*Ceriodaphnia dubia*) as required by the NJPDES Permit. Samples shall be taken concurrently with acute samples to develop a correlation. Results shall be submitted to the Commission annually with the report required in DECISION Condition II.d. of this docket.

### **Other**

At the project site, the Delaware River is tidal and has an estimated seven-day low flow with a recurrence interval of ten years of 2,104 mgd (3,255 cfs). The ratio of this low flow to the maximum design wastewater discharge from the 5.0 mgd Eagle Point IWTP is 421 to 1.

There are no surface water intakes of record for public water supply within 5 river miles of the tidal influence of the project discharge.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the NJPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *WQR*.

### C. DECISION

I. Effective on the approval date for Docket No. D-1968-053-2 below, Dockets Nos. D-68-53 and D-76-9 are terminated and replaced by Docket No. D-1968-053-2.

II. The project and appurtenant facilities as described in Section A "Physical Features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the NJDEP in its NJPDES Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.

d. The docket holder shall comply with the requirements contained in the Effluent Tables in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F above the average 24-hour temperature gradient displayed during the 1961-1966 period, nor shall such discharge result in stream temperatures exceeding 86°F.

i. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served Section of this docket, which incorporates by reference Sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION Section.

j. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

k. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

l. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

m. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

n. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

o. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

p. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

q. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

r. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

s. The docket holder is required to monitor BOD<sub>5</sub> and CBOD<sub>20</sub> concurrently on a monthly period through September 2013. After September 2013, the docket holder is required to monitor for CBOD<sub>20</sub> on a quarterly basis. The sample should be taken concurrently with the BOD<sub>5</sub> sample. Should a BOD<sub>5</sub> to CBOD<sub>20</sub> ratio be established as a result of the nutrient monitoring program approved by Resolution No. 2010-5, the docket holder may request the removal of this monitoring entirely via letter to the Executive Director. Until the Executive Director has approved the elimination of the sampling, samples should continue as required.

**BY THE COMMISSION**

**DATE APPROVED: December 5, 2012**

**EXPIRATION DATE: December 5, 2017**